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OFFICE OF PETITIONS

In re Application of  
Rudolf Heinz et al  
Application No. 09/674,771  
Filed: December 29, 2000  
Attorney Docket No. R.34720

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 10, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed May 15, 2003, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). Since the amendment submitted does not *prima facie* placing the application in condition for allowance, no Notice of Appeal (and appeal fee), or a continuing application was timely filed. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 16, 2003.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being referred to Technology Center AU 2834 for processing of the request for continued examination (RCE) under 37 CFR 1.114.

  
Wan Laymon

Petitions Examiner  
Office of Petitions  
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for Patent Examination Policy